

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Column Group

Owner: ADS Holdings, LLC

Location: 201 E. Market Street

Proposed Rezoning/Use: Rezoning from C3 to EZ1 for self-storage and possible residential on top floor with possible retail on first floor

Engineers, Land Planners and
Landscape Architects: Land Design & Development

INTRODUCTORY STATEMENT

This is an application involving the old Kurfees paint building, which is presently vacant. It has been the subject of several recent, failed efforts to rehabilitate and reuse the building for uses including multi-family residential (condo or apartment) and possibly hotel and/or retail. A variety of factors have inhibited this, probably including the fact that this area of east downtown Louisville is still undergoing slow redevelopment, possibly also including the fact that retail has not proven fully successful in this particular area and also that there is still some glut of condominium units available for sale, although this area is probably more popular for apartment development. Nevertheless, this is an area of downtown with some promise, including the fact of the expanding University of Louisville Foundation "Nucleus" project south of this site, the popularity of East and West Main Street as the entertainment hub for sports, concerts, theater and museums, and the "intrigue" of NuLu, which likewise has certain "promise", although businesses there do still struggle to maintain themselves long term. Much of what is said here is true of other parts of central Louisville and has been over the decades. Areas come into fashion and move out of fashion, restaurants and retailers come and go, and so it all becomes continuous work and especially as respects this property, and in light of the current real estate market and probably long-term financing obstacles involving new projects, a particular challenge as respects properties like this one.

As a consequence of all this, this development group seized the potential for this property and has examined all the options. What has emerged as the clearest option is self storage. That is because businesses in downtown Louisville obviously have a need for their ever-expanding records retention requirements, but also because, as downtown Louisville hopefully continues to emerge as a residential community of its own, there will be increased need for that type of storage requirement. People moving from larger suburban homes to smaller downtown condos

19201161048

and apartments will need storage. The same is true of people who already reside downtown and decide to remain downtown as they simply accumulate “stuff” that they wish to retain.

One of the other attractive features of this building as a storage facility is that it can be converted to this use at relatively nominal cost and be convertible to another use, say residential condominiums or apartments, or some or more retail, as the market for those uses perhaps matures. That makes self-storage a long-term and near-term viable use of this property. That creates a real win-win in terms of adaptive reuse of this building, taking into account certain historic/architecturally significant features that are worth retaining.

GUIDELINE 1: COMMUNITY FORM

The Community Form that this property is located in is the Downtown Form District. Although the Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses, other uses also exist and are needed, as described above, to fill out the mix of needs in order to create a vibrant, ever-improving population center. As described above, the initial (and possibly long term) self-storage use fits well into this diverse mix of uses, while preserving an historic building and while also not disturbing the grid pattern of the local street system, creating traffic congestion or disrupting traffic flows.

GUIDELINE 2: GUIDELINE CENTERS

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 11, 13, 14, 15 and 16 of this Guideline all pertain to how a variety of land uses mix, organize, relate to one another, utilize existing infrastructure, encourage vitality and revitalization, and overall promote investment in certain areas, especially the Downtown Form District, which is different than all others.

This application complies with this Guideline and Intents and applicable Policies as follows. The Downtown Form District is overall an “activity center.” There are pockets of more intense activities within the Downtown Form District, but it is an overall “activity center” in and of itself. Developing a mix of potential uses within an activity center is what is encouraged. And there is nothing within this Guideline to suggest that self-storage does not fit alongside the other potentially future contemplated uses. It certainly is a use that contributes to all of the existing type uses described above as appropriate for the Downtown Form District. This use is also part of an obviously compact form of development in the downtown area. To the extent that this use remains a self-storage facility, as contemplated from the beginning, parking will not be an issue. However, to the extent that it eventually becomes residential and/or retail as well, there exists on-street parking as well as nearby parking garages and parking lots that can be utilized for those uses that will require parking that self-storage does not. Of course, utilities are all located downtown, and this is a built structure, thus this project relies almost entirely on that which already exists and not on something that is new, other than what is added to the interior of this particular space.

GUIDELINE 3: COMPATIBILITY

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 28 and 29 of this Guideline all pertain to the issue of how a particular use or uses, especially if they involve a mix of uses, can be made compatible with other already existing or planned uses within a particular Form District.

This application complies with this Guideline and its Intents and applicable Policies as follows. Of course, as noted above, this project includes a possible mix of uses with this building, although possibly just one, but whether a mix or a single one within the building, that use or uses will be part of a large mix of land uses already existing within the Downtown Form District. Because this project involves an adaptive reuse of an existing historic building, it is by definition compatible in design. The old building will be changed, not remarkably, but only in such a way as to possibly change out old damaged and/or leaking windows with similar style and design windows that are, however, new and energy efficient. Historic, architecturally significant elements of the building will be retained and improved. Lower level architectural elements, especially at the street level, may be modified for an improved look, reminiscent of what the building probably looked like years ago or the way the City presumably wants buildings at street level to look, with attractive entryways and display or see-through windows. To the extent that the building may be used as partly residential, this will not require a change other than residential style windows, hopefully with visibility on all sides, although it has been said that a building may be constructed to the east which could block light through and visibility from those windows. There probably is nothing that this applicant can do about that. As to the Policies of this Guideline pertaining to potential nuisances, nothing that has been mentioned herein would contribute to odors, traffic, noise, inappropriate lighting, negative visual impacts, different building setbacks or heights, excessive demands on parking, inappropriate signage or adverse impacts on existing or planned transportation facilities.

GUIDELINE 5: SCENIC AND HISTORY RESOURCES

The Intents and applicable Policies 2, 4 and 5 of this Guideline pertain to the issues of older building like this that may have historic value, even though this building is not designated as a National or Local landmark and is not located within an Historic District. But it is located in the Downtown Development Review Overlay District.

This application complies with these Intents and applicable Policies of this Guideline as follows. The applicant and its professional representatives have met with the Metro Urban Design Administrator and his Historic Preservation colleagues with respect to elements of the building's exterior that can be changed and, if so, how and what would be well to preserve. These government officials charged with assuring compliance with the DDRO guidelines as well as the private developers associated with this proposed project are thinking alike in these regards. Whereas use of the building in the future may be different than some of the uses in the past (notably when this was a paint manufacturing and storage facility), none of the uses suggested above is at all incompatible with the Intents and applicable Policies of this Guideline. The same is true of the unremarkable changes to the buildings look (all which will be positive) and access, which will be coordinated with Metro Transportation Planning and Public Works.

NOV 17 2011
PLANNING &
DESIGN SERVICES

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

The Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of this Guideline all pertain to assuring that work places are created and preserved, that activity centers are enhanced and strengthened, that investment is made in the Downtown Form District and done so in an appropriate way and that old buildings such as this one are adaptively used also in a positive way.

This application complies with the Intents and applicable Policies of this Guideline as follows. By saving an old, presently unused building from decay, which of course happens when a building has fallen into disuse, and by revitalizing it in an existing activity center not only preserves the building as a place of work that serves downtown interests, but it also helps to revitalize the existing activity center known as the Downtown as well the sub-activity center that this building is located in. It is an adaptive reuse, indeed a creative one as explained above, whereby the building can be put to an immediate use where there is a demonstrated demand for self-storage but also potentially long term to a residential and/or retail use as well as development of this area matures.

GUIDELINES 7, 8 AND 9: CIRCULATION, TRANSPORTATION FACILITIES, AND BICYCLE, PEDESTRIAN AND TRANSIT ACCESS

The Intents and applicable Policies 1, 2, 3, 4, 10, 11, 13, 14, 15 and 16 of Guideline 7, plus Policies 7, 9, 10 and 11 of Guideline 8, plus Policies 1, 2, 3, 4 and 5 of Guideline 9 all pertain to the traffic management and transportation facility concerns of Metro Transportation Planning and Public Works. Those speak to assure that facilities, including those downtown, do not cause negative traffic impacts, continue to assure good circulation and safe access and promote bicycle, pedestrian and transit usage.

This application complies with these Intents and applicable Policies of these Guidelines as follows. Since this application does not involve new development, and especially does not involve new development in an outlying area where adequate transportation facilities do not exist or where traffic management, because of traffic volumes and inadequate infrastructure, sometimes occurs, these issues are both narrower and easier to address at this location. Downtown streets, except perhaps during peak rush hour times, have more than adequate traffic-carrying capacity. That is clearly so with Market and Brook Streets. Even the alley, which may well be the principle means of access to the overhead garage doors that will be needed to access the planned self-storage, appears adequate in which to accommodate continued usage by both nearby users of existing buildings as well as by this applicant with its proposed new use or uses. Probably the main issue relating to these Guidelines that will require careful review is that relating to access. That is because, if used as planned for self-storage purposes, there will need to be access through large overhead doors into the building. The most logical place seems to be through the existing overhead doors off the alley. To access those, it appears as though the applicant will need to acquire an easement of access through an adjoining parking lot for maneuvering purposes. The applicant is working on obtaining that easement of access right now through contacts and communications already underway with that property owner. If that becomes impossible or questionable, there is also the possibility of access through what appeared to have been overhead doors along Brook Street. Of course, Metro Transportation Planning and

Public Works officials will need to review and approve these access and circulation designs prior to preliminary approvals of this application for public review. But the land planning and engineering firm associated with this project (Land Design and Development – LDD) does not presently view access and circulation to be obstacles overly, if at all, challenging to overcome. Also, with this building being an existing one located right up on Market and Brook Streets, existing sidewalk infrastructure exists as do bike lanes on at least Market Street. The applicant is counting on Metro Government to continue its work already undertaken to improve sidewalks in the downtown area by fixing the deteriorated sidewalk along Market Street. Brook Street will also need to be examined in this respect.

GUIDELINES 10 AND 11: FLOODING AND STORMWATER PLUS WATER QUALITY

The Intents and applicable Policies 1, 2, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 5 and 8 of Guideline 11 pertain to the issues of flooding, stormwater management and water quality.

This application complies with these Intents and applicable Policies of these Guidelines as follows. MSD is the public agency responsible for assuring compliance with its regulations pertaining to flooding, stormwater management and water quality. It has adopted regulations applicable in some instances, and not applicable in others, to these Guidelines and their Policies. To the extent that reutilization of this existing building, which involves no new outside construction, triggers any of these regulations, the applicant will obviously be expected to comply. But since no new off-site or even on-site development, other than within the existing building, is anticipated to occur, it is not anticipated that this application will have any impact on these Policies of these Guidelines that would require special attention. But MSD will comment, if at all, during the application process and in advance of the hearings to be held on this application.

GUIDELINE 12: AIR QUALITY

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 this Guideline all pertain to the issues of assuring no adverse consequences on air quality and, when possible, even taking measures to improve same.

This application complies with the Intents and applicable Policies of this Guideline as follows. The main ways that a project such as the one included in this application actually aids in improving air quality is by assuring that existing facilities in high density areas are utilized so that commuting distances can be minimized. By providing adequate storage facilities for businesses and residents in the Downtown Form District, this helps to assure that those businesses and residents don't have to travel to outlying areas to address their storage needs. This limits vehicle miles traveled.

GUIDELINE 14: INFRASTRUCTURE

The Intents and applicable Policies 1, 2, 3, 4, 6 and 7 of this Guideline all pertain to assuring adequate infrastructure to support a new development project.

This application complies with the Intents and applicable Policies of this Guideline as follows. Because this project involves adaptive reuse of an old building, and not new outside

construction, in an already built up area with adequate infrastructure, this is the one place where adequate infrastructure is certain to exist.

GUIDELINE 15: COMMUNITY FACILITIES

The Intents and applicable Policies 1, 4, 7, 9, 12, 15, 16, 17, 19 and 20 of this Guideline all pertain to issue of when and where community facilities should be located and when and where existing community facilities are already adequate to serve a particular use or need to be expanded. In the Downtown Form District, such as where this proposed project is located, where all of the referenced community facilities already exist, the project as described in this application will not require the expansion of any of those and will not over burden them.

* * * * *

For all of these and other reasons to be further presented at the LD&T meeting and Planning Commission public hearing, this application complies with these and all other applicable Intents, Policies and Guidelines of the Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

CLIENT/Howell, Jack/201 E. Market/Application – Compliance Statement
JTR Rev. 11/3/2014 11:20 AM

NOV 10 2014
PLANNING &
DESIGN SERVICES